

REMARKS

In this Amendment, Applicant cancels claims 1-13, without prejudice or disclaimer of their subject matter, and adds new claims 22-32 to protect additional aspects of the present invention. Upon entry of this Amendment, claims 14-32 remain pending, with claims 14-21 withdrawn from consideration as drawn to a nonelected invention, and claims 22-32 under current examination.

Regarding the Office Action:

In the Office Action, the Examiner amended the title of the application by Examiner's Amendment; objected to claim 2 for informalities; rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Liang et al. (U.S. Patent No. 6,130,123) ("Liang"); rejected claims 1-4 and 7-9 under 35 U.S.C. § 102(e) as being anticipated by Lin et al. (U.S. Patent No. 6,475,908) ("Lin"); rejected claims 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Liang as applied to claim 1; and objected to claims 5, 6, and 13 as being dependent upon a rejected base claim, but indicated these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant traverses the objections and rejections for the following reasons.¹

Objection to Claim 2:

Applicant deems the objection to claim 2 moot in view of the cancellation of claim 2. Applicant notes, however, that new claim 22 is in line with the Examiner's suggestion for now-cancelled claim 2. That is, new claim 22 generally corresponds to claim 2, in independent form, including elements of now-cancelled claim 1. Accordingly, Applicant requests withdrawal of the objection.

¹ The Office Action contains statements characterizing the related art, case law, and the claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Office Action.

Rejections under 35 U.S.C. §§ 102(b), 102(e), and 103(a) over Liang and Lin:

Applicant deems these rejections of claims 1-4 and 7-12 moot in view of their cancellation. Accordingly, Applicant requests withdrawal of the rejections.

New Claims 22-32:

As mentioned above, new claim 22 generally corresponds to claim 2, in independent form, including elements of now-cancelled claim 1. Claim 24 generally corresponds to now-cancelled claim 5; claim 27 generally corresponds to now-cancelled claim 9; and claim 28 generally corresponds to now-cancelled claim 28, etc. In addition, support for the new claims can be found in the specification and original claims of the present invention. For example, new claim 25 finds support in the specification at, for example, p. 10, lines 23-25 and p. 11, lines 1-6; and new claim 26 finds support in the specification at, for example, p. 17, lines 19-24.

Moreover, new claim 29 generally corresponds to now-cancelled claims 1 and 13. Applicant submits that new claim 29, and claims 30-32 depending therefrom, are allowable at least because the Examiner indicated that claim 13 would be allowable if rewritten in independent form.

Finally, Applicant points out that Liang and Lin do not teach or suggest at least Applicant's claimed "second gate electrode film being comprised of a second metal silicide and a third metal silicide, the second metal silicide being comprised of a second metal material different from the first metal material, the third metal silicide including the first metal material and having a lower silicon content than the first metal silicide," in independent claim 22. Therefore, the Examiner has not demonstrated a *prima facie* case of anticipation or obviousness of the pending claims over either or both of Liang and Lin.

Conclusion:

In view of the foregoing, Applicant requests reconsideration of the application. Pending claims 22-32 are in condition for allowance, and Applicant requests a favorable action.

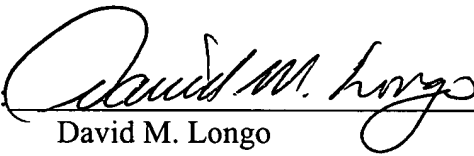
If there are any remaining issues or misunderstandings, Applicant requests the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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